REMARKS

The Final Office Action of August 10, 2004, has been received and reviewed.

Claims 1, 2, 6, 8, 9, 11, 13-18, 21-26, and 28-35 remain pending and under consideration in the above-referenced application, each standing rejected.

Reconsideration of the above-referenced application is respectfully requested.

Preliminary Amendment

Please note that a Preliminary Amendment was filed in the above-referenced application on November 7, 2003, but that the undersigned attorney has not yet received any acknowledgement that the Preliminary Amendment has been entered into the Office file for the above-referenced application. If, for some reason, the Preliminary Amendment has not yet been entered into the Office file, the undersigned attorney would be happy to provide the Office with a true copy thereof

Obviousness-Type Double Patenting Rejections

Claims 1, 2, 6, 8, 9, 11, 13-18, 21-26, and 28-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-40 of U.S. Patent 6,235,630 (hereinafter "the '630 Patent"); claims 1-21 of U.S. Patent 6,599,832 (hereinafter "the '832 Patent"); and claims 1-17 of U.S. Patent 6,716,745 (hereinafter "the '745 Patent).

An obviousness-type double patenting rejection is appropriate where the subject matter recited in a claim is merely an obvious variation of the invention recited in a claim of an issued or patent or pending patent application. M.P.E.P. § 804.

> A double patenting rejection of the obviousness-type is 'analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103' except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite,* 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat,* 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). M.P.E.P. § 804.

Terminal disclaimers and the appropriate fees are being filed herewith, in compliance with 37 C.F.R. § 1.321(b) and (c), to obviate the obviousness-type double patenting rejections that are based upon the '630 and '832 Patents, thereby expediting prosecution of the above-referenced application and avoiding further expense and time delay. The filing of terminal disclaimers in the above-referenced application should not be construed as acquiescence of the propriety of the obviousness-type double patenting rejection.

It is respectfully submitted that the obviousness type double patenting rejections that have been based on the '745 Patent are improper. Specifically, claims 1-17 of the '745 Patent are drawn to methods for forming contact interfaces with active-device regions of semiconductor substrates, whereas the claims of the above-referenced application are directed to methods for forming contact interfaces that protrude from substrates. Due to differences in the types of structures that are being formed, the processes are different from one another and, thus, would not render each other obvious to one of ordinary skill in the art.

Therefore, it is respectfully submitted that each of claims 1, 2, 6, 8, 9, 11, 13-18, 21-26, and 28-35 is allowable over the subject matter recited in claims 1-17 of the '745 Patent. Accordingly, it is respectfully requested that the obviousness-type double patenting rejections that are based upon the subject matter recited in claims 1-17 of the '745 Patent be withdrawn.

ENTRY OF AMENDMENTS

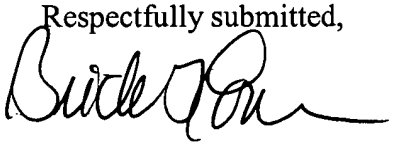
Entry of the proposed amendments to claim 35 is respectfully requested, as it is merely proposed that a spelling correction be made. It is respectfully submitted that this proposed amendment would not introduce new matter into the above-referenced application or require a new search.

In the event that the proposed amendment to claim 35 is not entered, entry thereof is respectfully requested in the event that a Notice of Appeal is filed in the above-referenced application.

CONCLUSION

It is respectfully submitted that each of claims 1, 2, 6, 8, 9, 11, 13-18, 21-26, and 28-35 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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